IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.575 OF 2005

Kiran Sagarmal Jain ..Petitioner.

V/s.

Union of India & Ors. ..Respondents.

Mr.S.N.Kantawala with Yogesh Rohira for petitioner.

Mr.Y.R.Mishra with Y.S.Bhate i/b.T.C. Kaushik for respondents.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 3RD MARCH, 2005.

P.C. :-

1. Heard the learned counsel for the petitioner and the respondents. By this petition, the petitioner is challenging the order dated 17th August, 2004 passed by CESTA T wherin confiscation of gold has been upheld an penalty of Rs.3,00,000/- has been reduced to Rs.50,000/-. We have also perused the statement of the petitioner. The petitioner in his statement recorded under section 108 of the Customs Act on 22nd January, 1996 has categorically stated that Shri Uazue Abdl Razzaque Umar gave 12 gold

bars to him out of 42 gold bars for selling it in the open market. The petitioner could not give the local address or the present whereabouts of said Uazue Abdl Razzaque Umar. The petitioner could not even identify the photograph of said Uazue Abdl Razzaque Umar. Under these circumstances, it is clear that the petitioner is not the owner of the said gold bars, hence we do not find any perversity or illegality in the order of the CESTAT and we are not inclined to interfere with the impugned order. There is no merit in the petition. Hence the petition is dismissed.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)